IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

RCRev..No. 9 of 2007()

RCA.38/1999 of RENT CONTROL APPELLATE AUTHORITY/ADDL. DISTRICT COURT, THALASSERY
RCP.15/1997 of RENT CONTROL COURT, KANNUR
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REVISION PETITIONERS/APPELLANTS/RESPONDENTS
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1. ROBERT, S/O.THANGAVELU,
AGED 60 YEARS, BUILDING NO.82B,
CONTONMENT BURNASSERY, KANNUR.

2. KENAT AUGUSTINE, S/O.ROBERT,
AGED 40 YEARS, RESIDING AT BUILDING NO.82B,
CONTONMENT BURNASSERY, KANNUR.

3. KENAT ROBERT, S/O.ROBERT,
AGED 30 YEARS, RESIDING AT BUILDING NO.82B,
CONTONMENT BURNASSERY, KANNUR.

4. LENAT ROBERT, D/O.ROBERT,
AGED 35 YEARS, RESIDING AT BUILDING NO.82B,
CONTONMENT BURNASSERY, KANNUR.

BY ADV. SRI.M.V.AMARESAN

RESPONDENT/RESPONDENT/ PETITIONER

SOOPIYARAKATH SAMEERS,
D/O.KHADEEJA, AGED 32 YEARS,
RESIDING AT KANNUR-1 AMSOM, MUZHATHADAM DESOM,
KANNUR-12.

BY ADV. SRI.M.K.SUMOD
SRI.KAUSER EDAPPAGATH
SMT.LOWSY.A.

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RCR 9/2007

ORDER IN I.A.102/2007 IN RCR 9/2007

DISMISSED

27/2/2007

SD/-
P.R.RAMAN, JUDGE

SD/-
ANTONY DOMINIC, JUDGE

P.R.RAMAN & ANTONY DOMINIC, JJ.

R.C.R NO. 9 OF 2007

Dated this the 27th day of February, 2007

O R D E R

P.R.Raman, J.

After arguing for some time, the learned counsel appearing for the petitioners sought to withdraw the contention raised in the revision petition. However, he pleaded that he may be granted six months time to surrender vacant possession of the premises.

2. Heard both sides.

3. In view of the fact that the petitioners has already sought to withdraw the contention raised in this revision petition, we think it is only appropriate to grant them a period of six months for surrendering vacant possession of the premises. Accordingly, we direct that the execution pursuant to the order passed by the Rent Control Court as confirmed by the Appellate Authority shall stand deferred on the following conditions:

1) Petitioners shall surrender vacant possession of the plaint schedule premises on or before 30th of August 2007.

2) Petitioners shall deposit the entire arrears of rent, if

any, within a period of one month from today.

3) Petitioners shall continue to pay the amount equivalent to the monthly rent by way of compensation for use and occupation until possession is given.

4) Petitioners shall not induct any third party until vacant possession is given.

5) Petitioners shall give a written undertaking in the form of an affidavit before the Execution Court agreeing to abide by the above conditions. Such affidavit shall also be filed within a period of one month from today.

In case of failure to comply with any of the above conditions, it will be open to the landlord to proceed with the execution.

The Revision Petition is dismissed as withdrawn subject to what is stated above.

P.R.RAMAN, JUDGE

ANTONY DOMINIC, JUDGE

Rp